

**CYBERSPACE COMMITTEE**

Business Law Section

State Bar of California

**CALIFORNIA STATE LEGISLATION TRACKING****2005-2006 LEGISLATIVE SESSION**

TOPIC		BILL NO.	DATE INTRODUCED	AUTHOR	STATUTES	SUBJECT	STATUS
Privacy; Telephone calling pattern records or list; Pretexting; Criminal penalties	SB	<a href="#">202</a>	2/10/05, As amended, 8/18/05	Simitian	Adds Section 638 to Penal Code  Chaptered by Secretary of State as Chapter 626, Statutes of 2006	Makes it a misdemeanor to use or sell data or information re telephone calling pattern records or list without the written consent of the subscriber whose information is contained in the calling pattern, record or list (including "pretexting"), punishable by up to one year in county jail and/or fine of up to \$2,500, with fine for repeat offenses of up to \$10,000.00. Also provides that any information obtained in violation of this section will be inadmissible in any judicial, administrative, legislative or judicial proceeding, except to prove a violation of this section.	5/9/05 Passed SEN (original version); 8/18/05 Bill completely amended by author; 8/28/06 Passes AS; 8/31/06 SEN concurs in AS amendments; 9/12/06 Enrolled; 9/29/06 Approved by Governor; 9/29/06 Chaptered by Secretary of State (SOS)
Education Technology	AB	<a href="#">307</a>	2/9/05	Chavez	Amends Section 51871.5 of the Education Code  Chaptered by Secretary of State as Chapter 313, Statutes of 2006	Requires a school district's education technology to include education regarding copyright laws and illegal file sharing	1/26/06 Passed AS as amended; 8/16/06 Passed SEN; 8/21/06 AS concur in SEN amendments; 8/28/06 Enrolled; 9/18/06 Approved by Governor; 9/18/06 Chaptered by SOS
State Computers; Prohibited Use; Obscene Matter	AB	<a href="#">546</a>	2/16/05	Garcia	Adds Section 8314.5 to Govt. Code  Chapter 848, Statutes of 2006	Makes it unlawful for person to knowingly use state computer to download or view obscene matter	1/23/06 Passed AS as amended ; 8/10/06 passed SEN,; 8/14/06 SEN amendments concurred in; 8/21/06 Enrolled; 9/30/06 Approved by Governor; 9/30/06 Chaptered By SOS

Rev. 1/26/2007

For "live" version of this chart with links to listed bills, go to the Cyberspace Committee Website at <http://www.calbar.ca.gov>, click "Attorney Resources", then "Sections" (at lower left hand side), then "Business Law", then "Cyberspace Law" (on right hand side). This chart will be posted on the Cyberspace Committee home page following the conclusion of the 2006 Annual Meeting

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Absentee Ballots; Online information	SB	<a href="#">1725</a>	2/24/06	Bowen	Amends Section 3017 Elections Code  Chapter 687, Statutes of 2006	Requires election officials to establish procedures by which absentee voters may confirm receipt of their absentee ballots	5/30/06 passed SEN; 8/22/06 Passed AS; 8/29/06 SEN concurs in AS amendments; 9/6/06 Enrolled; 9/29/06 Approved by Governor; 9/29/06 Chaptered by SOS
Vehicles; Dealer; Data Security	AB	<a href="#">2291</a>	2/22/06	Evans	Adds 11713.25 to the Vehicle Code  Chapter 353, Statutes of 2006	Prohibits computer vendor, franchisor or other person to access, copy, create or modify a confidential dealer's computer record or personally identifiable consumer data from a dealer without first obtaining an express written consent from the dealer. Prohibits requiring a dealer, as a condition of doing or continuing to do business, to give express consent	5/31/06 passed AS; 8/24/06 passed SEN; 8/29/06 AS concurs in SEN amendments; 9/11/06 Enrolled; 9/20/06 approved by Governor; 9/20/06 Chaptered by SOS
Wi Fi User Protection Bill	AB	<a href="#">2415</a>	2/24/06	Nunez	Adds Chapter 34 (Section 22948.5 et seq) to Div 8 of the B & P Code  Chapter 860, Statutes of 2006	Prohibits a person or entity from manufacturing or selling a device in this state that enables connection to a network without including a warning in its software that alerts the consumer of certain security factors if he or she chooses to set up the device without security protections. The bill would also require a person or entity that manufactures or sells a computer in this state to distribute or sell the computer with the computer's file-sharing feature in off mode	5/31/06 passed AS; 8/23/06 passed SEN; 8/29/06 AS concur in SEN amendments; 9/11/06 Enrolled; 9/30/06 Approved by Governor; 9/30/06 Chaptered by SOS

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